UPPER CLARK FORK STEERING COMMITTEE

MINUTES – April 18, 2000

MEMBERS PRESENT:

Gerald Mueller	*Facilitator*	**Jim Dinsmore**	*Granite C.D.*
Bob Benson	*C.F. Pend Oreille Coalition*	**Ole Ueland**	*Mile High C.D.*
John Vanisko	*Deer Lodge Valley C.D.*	**Robin Bullock**	*ARCO*
Holly Franz	PP&L Montana LLC	**Eugene Manley**	*F.C. & MWRA*
John Sesso	*Butte-Silver Bow*	**Jules Waber**	*Powell County*

MEMBERS ABSENT:

Rep Doug Mood	*Seeley Lake*	**Jim Quigley**	*Little Blackfoot*
Robert Orr	*Lewis & Clark C.D.*	**Don Peters**	*MT DFW&P*
Mike Griffith	*Lewis & Clark Co.*	**Martha McClain**	*Missoula C.D.*
Audrey Aspholm	*Anaconda/Deer Lodge County*	**Gary Ingman**	*MT DEQ*
Michael Kennedy	*Missoula County*	**Liz Smith**	*Deer Lodge*
Kathleen Williams	FWP	**Brent Mannix**	N. Powell C.D.

VISITORS PRESENT:

Mike Suplee	*MT DEQ*	**Bob Fox**	*EPA*
Mike McLane	*DNRC*	**Gregg Mullen**	*NRD*
Larry D. Madison	*Bozeman, MT*	**Shannon Voss**	*DNRC*
Nancy Sweeney		**Will McDowell**	*Tri-State*

The Upper Clark Fork River Basin Steering Committee met Tuesday, April 18, 2000, in St. Mary's Center, Deer Lodge, MT.

WELCOME:

Gerald Mueller welcomed Committee members and visitors and called the meeting to order. The agenda for the meeting was as follows:

1. Reports
2. Superfund Update
3. DEQ Voluntary Water Quality Management Program Meeting
4. Ranch Planning
5. Activities

The *Minutes* for the March 2, 2000 meeting were discussed and approved, with one minor correction. Holly Franz now works for PP&L Montana LLC instead of MT Power Co.

ANNOUNCEMENTS:

There were no announcements.

REPORTS:

CONTINENTAL ENERGY ELECTRICITY GENERATION PROJECT

Gerald Mueller received a call from Continental Energy (a subsidiary of the Montana Power Company). MT Power Co. is going to transform itself into Touch America by selling off all of its energy-related activities, in a 6-month or so timeframe.

Continental Energy is going forward with plans to build a gas-fired power plant near the ASME plant. The capacity of this plant is 230 mega-watts, and will use 1.2 million gallons of water a day from the Georgetown-Silver Lake system.

John Sesso explained that this will provide stable, competitive rates of electricity, and balance out the natural gas situation in Montana (there's more gas available to sell than can be moved out of here.) He said he is very supportive of this. However, he wants us to be aware of a critical issue: The draft rules of the Major Facility Citing Act Law indicate that any facility that produces more than 250 mega-watts shall go through the permitting process, which would delay this project tremendously. This gas-fired power plant has the potential of exceeding the 250 mega-watt limit by 1 mega-watt when the temperature/air outside reaches certain conditions. Historically this only occurs ***two*** days of the year. In addition to this rare occurrence, Continental Energy will have the best controls to monitor these levels, so even in these conditions, it shouldn't exceed the limit.

John says that this is a process issue we are dealing with, not an environmental compliance issue.

Bob Benson asked if it only exceeds the limit 2 days and controls can control the watts, why not build it so it can't exceed 230?

John S. said that this is exactly what MT Power Co. has proposed. DEQ is not recognizing the technology that can control the mega watts.

Gerald asked about Continental Energy's water rights.

John S. replied that when the Silver Lake water system was put into public ownership, Butte-Silver Bow acquired between 11-12 million gallons of water per day for its own industrial use. There are no water right issues.

GRANT REQUESTS

Gerald explained that he submitted a grant request to the Watershed Assistance Program of DNRC. He said a lot of grants have been submitted so they decided to allocate smaller amounts of money to more applicants until the first of the fiscal year when another pot of money kicks in and we'll be fully funded. The Upper Clark Fork River Basin Steering Committee will receive

$10,000 though. $5,000 will be used to continue supporting this committee, and the other $5,000 will be given to Dennis Workman to continue his work with the classification of chronically dewatered streams. The next phase is to take the top five streams on the list and work with landowners to determine if there are any arrangements that can be made to benefit both the landowners and the dewatered stream.

Also, DEQ announced another grant program available to work on the voluntary water quality management program and we have until April 21 to submit a request. This grant will be focused on Racetrack Creek and will be for another $10,000 if we get it.

Gerald said we will also apply for $10,000 for Renewable Resources Grant and Loan Program Planning Grant, to be used for Racetrack Creek.

MONTANA WATER TRUST

Mike McLane said he attended a Montana Water Trust committee meeting two weeks ago. He reported the Mile High Conservation District along with Ted Dodge of NRCS submitted a 223 grant. Part of the focus of this was to look at the possibility of creating some sort of entity that may take advantage of the private water leasing programs that have been established under state law. Somebody that might be able to leverage money and grants and then carry those back out into a water market and do leasing.

Ted helped several other Conservation Districts in northwestern Montana set up Montana Watershed Inc., a nonprofit organization which will:

1. Pull money together as a nonprofit to help sponsor local watershed efforts in that area.
2. Look for wetland mitigation sites that might help with "wetland banking," and perhaps to leverage money back to landowners who might be interested in providing wetlands mitigation.

Use market approaches and statutes to "pay" landowners to encourage multiple benefits off their land.

This group has only met twice, there were 22 people at the last meeting. They are still trying to define the lay of the land to find their niche.

WATER SUPPLY FORECAST

Mike McLane summarized various charts and maps to explain the current precipitation in Montana. They couldn't say whether we are heading for a drought or not. . .it all depends on the next couple of months.

Overall, most of the state has 70%-100% of the normal precipitation for this time of year. Some key snow sites include Nevada Ridge, which has 110% of the normal precipitation, and Combination Peak, which has 94% of the normal precipitation. However the majority of the state is a lot more below the average.

Mike said the streamflow-forecast prediction for April says that it is likely we will not get the precipitation to push flows up toward average. At this point, the streams won't be dry, but the streamflow will be less than normal.

STATE-AVISTA NEGOTIATIONS

Mike McLane reported that last Friday the negotiation meeting was held since FERC issued a license. FERC rejected the Water User Protection proposal, stating that it is a water right issue and they will not address it. This put DNRC in a tailspin because they viewed it as FERC taking away Avista's responsibility on their agreement to make a call on junior water right users.

Mike said from an observer's point of view, he does not believe every agency and person present at the meeting shared this view. In a optimistic point of view, it may be possible that just because FERC doesn't want to deal with the issue doesn't mean that they oppose it. There is still an option of basin closure, but it won't be made through these negotiations.

Jim Dinsmore said that everyone seemed confused at the meeting. He had the feeling that DNRC was the only one who had to change positions, but he doesn't understand why. Jim said the whole process shifted and focused on starting a closure process at the Flathead, which he feels leaves the Upper Clark Fork and the Bitterroot from a process that he sees as beneficial. He said that Avista is still willing to negotiate their water rights. He believes there is a limited window for that.

Mike M. said that Avista may agree but someone else might tell them they can't.

Mike M. said that there are benefits with FERC not getting involved with state issues. DNRC has never been in front, carrying the responsibility of basin closure. DNRC is afraid to be in front. To some, this is a relief to keep DNRC protected.

The issue to address is *FERC could have given a powerful tool, but without it, are we at a lost?*

Jim D said that there comes a time with a state agency needs to take a lead role.

Gerald asked what effect it might have if we write a letter to address important issues and encourage DNRC not to give up and hide. We could tell them there is still an interest that needs to be addressed.

Holly Franz said that DNRC got this whole ball rolling. FERC says it's none of their business. You would think the state would be happy that it is none of FERC's business. Why should this prevent the state from addressing the issue?

Gerald asked Holly to write a letter on behalf of the committee summarizing how we feel, and the committee will sign it and send it to the governor.

Jim D. said that most residents would say the DNRC didn't do a good job giving Avista an unlimited water supply in the first place. Now they have an opportunity to potentially fix their mistake.

Ole Ueland said he has some discomfort sending the letter because he doesn't want junior water users to take his water, but overall, he thinks we should send it.

Gerald said if the deal is struck, it sounds like Ole would have a greater chance of receiving his own water.

BASIN SUPERFUND ACTIVITIES

Bob Fox, EPA, spoke about the current status concerning the basin superfund activities. He said the mission of EPA is to deal with the most complicated and the worst sites that have hazardous substances. This basin primarily has metals related from Butte and Anaconda mining. These sites were listed about 15 years ago.

Bob brought several posters summarizing different projects the superfund has been working on. The projects he reviewed are as follows:

1. Berkley Pit—an underground mining project. The pumps were turned off in 1981 and the pit began to fill. In 1994, a decision was made to require planning to control the water. It is impossible to keep pumping and treating the water forever. Plus, with the pit full, oxygen cannot reach the bottom of the pit thus increasing the production of acid.

The rate of filling is slowing because there is a reduction in surface flow that reaches the pit, and as the pit fills up there is a larger area to fill.

It is projected that it will take 20 years at the current level of filling before the water reaches a level that is critical to control so that it does not run out or seep through the ground to contaminate other areas.

We will reevaluate technology to see if there is another way to treat this water, and require a treatment plant design prior to the critical level. The pit is monitored regularly.

Holly Franz said she recently visited the site and saw some overland flow into the pit, which she believed had been cut off.

Bob said that the overland flow has been cut off. This water, however, is a return flow from Montana Resources, who pumps the water out of the pit, extracts the copper, and returns what they can't use. This provides some economical benefits.

2. Disturbance on hill (waste piles, surface run-off)—Some of our early efforts focussed on controlling the worst waste sources. Over the years they've dealt with around 100 different mine waste dumps. They've reclaimed them

and re-vegetated them. They currently are dealing with contaminated residential yards that may have unacceptable lead levels. A lot of this stuff flows down the hill into Silver Bow Creek. We graded, re-sloped the gulch, put in concrete lined ditches, re-vegetated etc. to reduce the amount of run-off that gets to Silver Bow Creek.

3. We have removed about 1.2 million yards of contamination from the Butte Reduction Works and Colorado Tailings. We have re-created a stream channel which is carving it's own way through the area. The first mile of Silver Bow Creek was cleaned last year—we are actually getting started on cleaning and planning for the stream systems. Before we just focused up-stream.

Jules Waber asked where contaminates are placed once they are removed.

Bob said it varies with project. For instance, the Colorado tailings were initially taken to Opportunity Ponds by train, but the majority of them were take to an adjacent area to the Clark Tailings (1/2 mile to the south) and placed in an area that was already contaminated. We established a waste repository where we could consolidate wastes. These places will have to be managed in the future forever.

4. Montana Pole—involved excavating a lot of contaminated soil to a land treatment east to the site. This site is irrigated with nutrients added. This organic material will actually degrade, reducing the toxicity of the material. This can then be returned to where it was taken from at a safe level. Unfortunately, we can't do this with metals.

5. Warm Springs Ponds—have been operating since around 1992. A lot of work has been done to strengthen the dikes. Trying to settle the contaminated metals in the pond system. There is probably 19-20 million cubic yards of contaminated sediments in here. We estimate at the present level of contamination there is capacity for another 75-100 years. We hope to reduce the amount of contamination that is coming in from Silver Bow Creek. We will have to optimize the treatment so the discharge is acceptable to the life of the river.

Bob mentioned that Silver Bow Creek is being managed by the State of Montana. The State received $80 million from ARCO through a settlement. The first mile has been partially finished, but there is about 25 miles of heavily contaminated stream. It will probably take at least 10 years to complete. It involves excavating the whole floodplain, removing tailings and putting them in safe areas away from the stream.

Bob Benson asked if water will meet water quality standards when the cleanup at Silver Bow Creek is done?

Bob Fox said that he doesn't know, but that is their goal.

John Sesso asked what happens to the contaminated ponds? Do they eventually clean up on their own?

Bob said that they may need to keep fresh water coming in to preserve the land in a wetland situation, or eventually, if they are not needed, they may be left to dry and revegetate. He doesn't know. It will have to be a different management plan. It's a problem for the future.

6. USGS was under contract with us to look at the geomorphology and the floodplain. They addressed the questions: *How does the river work? What kind of erosion processes is underway? Where do the metals come from?* From 1985-1995, we were undergoing this project, yet we were well under the normal precipitation. In 1996 and 1997 we had some high flows which enlightened us with a lot of new information about the river. During high flows times there is a far greater load of metals that passes through Milltown Reservoir, which originates in the lower part of the river. About 1/3 of the Clark Fork floodplain (from Warm Springs Ponds to Garrison) has exposed tailings, so we're focusing on that area.

They took aerial photos to determine bank erosion contaminated about 60% of metals. The amount of metals carried in by the streambed amounts to 14%. Agricultural practices have contributed to stream bank erosion as well.

7. Throughout the Clark Fork we have had risk assessments, and are now looking at a wide range of activities that might be done to reclaim this area. This will include everything from insutu treatment, revegetating, dealing with bank stabilization, and removing tailings out of the critical path to get a remedy. This will be very site-specific.

DEQ TMDL

Mike Suplee summarized what will be discussed at the May 18 revised 303(d) list meeting in Deer Lodge. Mike said that DEQ has finished the review of the Impaired Water List and started the Draft 2000 list.

At the meeting, they will pass out a condensed version of the Draft 2000 List. They will also pass out a summary of the prioritization of doing TMDLs. They will have a summary of percentages of how many water bodies from the old list will be re-assessed. There will also be comment sheets for opinions from the meeting, and press releases available to read. Mike said they have a series of 17 public meetings around the state scheduled. They are required to provide a place for people to voice their opinions. He wants to give them an idea of goals they have for this project.

Mike explained that his meetings will follow the below agenda:

I) Introduction
- A) Purpose of meeting
  - 1) About clean water
  - 2) Locally based
  - 3) Receive comment

B) Federal Clean Water Act 1972 (explain the history)
    1) 1997 changes to the Montana Water Quality Act
    2) State TMDL Advisory Group
C) Framework
    1) Explain stream classification
    2) List will lead to water quality plans
    3) We have ten years to implement this (7 years remaining)
D) Water Quality Assessment Process
    1) Data inventory
    2) Data was relevant
    3) Water bodies were not assessed if there wasn't enough data

II) Give a local example of how we walk through an assessment

III) Prioritization
A) Two-step process
    1) How impaired is the water body?
    2) What is the level of public/agency interest?

IV) Future: Where do we go from here?
A) Public involvement is important
B) TMDL or Plan example

Jim Dinsmore asked what they plan on saying when somebody asks about streams taken off the list due to insufficient data.

Mike S. said it will be prioritized for reassessment. If there is an overwhelming interest, it will receive higher prioritization.

Mike also mentioned that this meeting will have three hours of open house (from 3:00-6:00) before it begins at 6:30. People can address a lot of their concerns then, in addition to at the meeting.

Gerald Mueller asked what answers they expect people to get from the meeting.

Mike S. said that he wants them to know DEQ can act as a technical assessment to help them address their problems, and that Montana's nonpoint program is strictly voluntary.

Ole Ueland asked if this is to benefit landowners.

Mike S. said they would like a win-win situation out of this. It is a chance for landowners to be proactive.

RANCH PLANNING ACTIVITIES BY DEER LODGE CONSERVATION DISTRICT

Nancy Sweeny summarized the ranch planning activities by Deer Lodge Conservation District. She said her project area runs from Warm Springs Ponds to Garrison. She explained her agency is agriculturally related and operates on a voluntary basis.

Ranchers ask them for irrigation projects or stock water development projects, etc. When they approach us, the first thing we do is take inventory on their land. We do range land inventories (clip and weigh by species to determine the percent composition of species) to determine grazing plans. We assess riparian health and stream bank problems.

Throughout their work, they can build several types of fences to improve the land:
1. Riparian fence (to keep cows off the river)
2. Electric riparian fence
3. Permanent riparian fence
4. Cross fence

Nancy said their main goal is for landowners, recreationist, livestock, and wildlife to live in harmony together for the good of the resources too. Their agency works through the trust of the landowners. They receive funds from ARCO to use toward the benefit of the river.

Gerald asked if this money is part of ARCO's restoration and remediation money.

Nancy said yes, ARCO felt their own plans lacked management, which Nancy provides.

Gerald asked if any ranch from Warm Spring Ponds and Garrison can work with you, or do they have to have river front property?

Nancy said the mainstem is priority.

NEXT MEETING:

The next meeting will be held at St. Mary's Center in Deer Lodge, and is tentatively scheduled for June 7, 2000, at 9:30 a.m.

Possible topics for the next meetings agenda include:
1. Endangered species update
2. Flint Creek Model
3. Non-point Plan
4. Discuss the role and value of the Upper Clark Fork River Basin Steering Committee.